

# TEXAS JUDICIAL SYSTEM

## SUBJECT-MATTER JURISDICTION OF THE COURTS

SEPTEMBER 1, 1995

### INTRODUCTION

The basic structure of the present court system of Texas was established by an 1891 constitutional amendment. The amendment established the Supreme Court, the highest state appellate court for civil matters, and the Court of Criminal Appeals, which makes the final determination in criminal matters. There are fourteen intermediate courts of appeals which exercise intermediate appellate jurisdiction in civil and criminal cases.

The state trial courts of general jurisdiction are the district courts, of which there were 387 as of September 1, 1995. (Ten of these courts are designated "Criminal District Courts.")

The geographical area served by each district court is established by the specific statute creating that court and does not necessarily correspond to the area served by any previously established court. Each court has one judge. The State pays the base salary of each judge and some limited expenses of the judge.

In addition to these state courts, the Texas Constitution provides for a county court in each county, presided over by the county judge. The county judge also serves as head of the county commissioners court, the governing body of the county. To aid the constitutional county court with its judicial functions, the Legislature has established statutory county courts, designated as county courts at law or probate courts, in the more populous counties. As of September 1, 1995, there were 18 probate courts and 171 county courts at law in operation in 73 counties. Four additional courts have been authorized by the Legislature to become operational at a later date.

The Texas Constitution authorizes not less than one nor more than 16 justices of the peace in each county. Under this provision approximately 842 justices of the peace courts have been established. These courts also serve as small claims courts.

By statute, the Legislature has created municipal courts in each incorporated city in the State. These courts have original jurisdiction over violations of municipal ordinances and concurrent criminal jurisdiction with the justice of the peace courts over state law violations, limited to the geographical confines of the municipality. Municipal courts also have limited civil jurisdiction for civil penalties for owners of dangerous dogs, and courts in certain municipalities with a population in excess of 125,000 may treat violations of city ordinances relating to parking and stopping vehicles as civil offenses.

Trials in the justice of the peace and most municipal courts are not of record, and appeals therefrom are by trial *de novo* to the county court, except in certain counties, as noted later, where the appeal is to a county court at law or to a district court. When an appeal is by trial *de novo*, the case is tried again in the higher court, just as if the original trial had not occurred.

Jurisdiction of the various levels of courts is established by constitutional provision and by statute. Statutory jurisdiction of the courts is established by general statutes providing jurisdiction for all courts on a particular level, as well as by the statutes establishing individual courts. Thus, to determine the jurisdiction of any one particular court, recourse must be had first to the Constitution, second to the general statutes establishing jurisdiction for that level of court, third to the specific statute authorizing the establishment of the particular court in question, fourth to statutes creating other courts in the same county (whose jurisdictional provisions may affect the court in question), and fifth to statutes dealing with specific subject matters (such as the Family Code, which requires, for example, that judges who are lawyers hear appeals from actions by non-lawyer judges in juvenile cases.)

The State provides full funding for the Supreme Court and the Court of Criminal Appeals. It provides a base salary for the appellate and district

judges of Texas. Most counties supplement this base salary for district courts and Courts of Appeals. Counties pay the costs of "constitutional" county courts, county courts at law, justice of the peace courts, and the operating costs of district courts except for the base salary of the judge. The cities finance the operation of municipal courts.

Senate Bill 5, the General Appropriations Act of the 73rd Legislature, appropriated \$103.6 million for the operations of the Texas judiciary — including the Judicial Retirement System — in fiscal year 1995. This represents only 0.29 of one percent of the \$35.5 billion total state budget for fiscal year 1995.

### APPELLATE COURTS

The appellate courts of the Texas Judicial System are: (1) the Supreme Court, the highest state appellate court for civil and juvenile cases; (2) the Court of Criminal Appeals, the highest state appellate court for criminal cases; and (3) the 14 Courts of Appeals, the intermediate appellate courts for civil and criminal appeals from the trial level courts.

Appellate courts do not try cases, have jurors, or hear witnesses. Rather, they review actions and decisions of the lower courts on questions of law or allegations of procedural error. In carrying out this review, the appellate courts are usually restricted to the evidence and exhibits presented in the trial court.

### THE SUPREME COURT

The Supreme Court of Texas was first established by the Constitution of the Republic of Texas, which vested the judicial power of the Republic in "...one Supreme Court and such inferior courts as the Congress may establish." This Court was re-established by each successive constitution adopted throughout the course of Texas history. The various constitutions and amendments thereto, however, provided for different numbers of judges to sit on the Court and different methods for the selection of the judges. The Constitution of 1845 provided that the Supreme Court consist of a Chief Justice and two associate justices. The Constitution of 1866 provided for five justices, and the Constitution of 1869 reverted to a three-judge court; the Constitution of 1873 increased the number to five, and the Constitution of 1876 again reduced the membership to three. To aid the three justices in disposing of the ever increasing workload, the Legislature created two "Commissions of Appeals," each to consist of three judges appointed by the Supreme Court. This system, begun in 1920, continued until the adoption of the constitutional amendment of 1945 which abolished the two Commissions of Appeals and increased the number of justices on the Supreme Court to nine, the present number.

A constitutional amendment adopted in 1980 provides:

The Supreme Court shall exercise the judicial power of the state except as otherwise provided in this Constitution. Its jurisdiction shall be coextensive with the limits of the State and its determinations shall be final except in criminal law matters. Its appellate jurisdiction shall be final and shall extend to all cases except in criminal law matters and as otherwise provided in this Constitution or by law.

Thus, the Supreme Court of Texas has statewide final appellate jurisdiction in most civil and juvenile cases. The Supreme Court is empowered to make and enforce all necessary rules of civil trial practice and procedure, evidence, and appellate procedure, and to promulgate rules of administration to provide for the efficient administration of justice in the State. A constitutional amendment effective January 1, 1986, gave the Supreme Court and the Court of Criminal Appeals jurisdiction to answer questions of state law certified from a federal appellate court. The Supreme Court has

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original jurisdiction to issue writs and to conduct proceedings for the involuntary retirement or removal of judges.

The Supreme Court is composed of one Chief Justice and eight justices, who are elected in partisan elections on a statewide basis for six-year terms of office. Vacancies between elections are filled by gubernatorial appointment with the advice and consent of the State Senate, until the next general election. To be eligible to serve as a justice of this Court, a person must be licensed to practice law in this State, be a citizen of the United States and of the State of Texas, be at least 35 years of age, and have been a practicing lawyer, or a lawyer and judge of a court of record together, for at least ten years.

In addition to its major responsibilities of hearing oral arguments, deciding cases appealed to it, and writing opinions, the Supreme Court has many administrative duties placed upon it by the Legislature to ensure the efficient administration of justice by the Texas judicial system. These duties include: (1) promulgating the Rules of Civil Procedure for the Texas judicial system (Gov't Code §22.004); (2) promulgating rules of administration for the Texas judicial system (Gov't Code §72.024); (3) equalizing the dockets of the 14 Courts of Appeals (Gov't Code §73.001); (4) promulgating the rules of procedure for the Commission on Judicial Conduct, and disciplining judges or removing judges from office (Gov't Code, Ch. 81); (5) supervising the operations of the State Bar of Texas and the rules and regulations for the admission, discipline, supervision, and disbarment of lawyers, and approving the law schools of the State (Gov't Code, Ch. 81); and (6) promulgating the rules for the operation of the Court Reporters Certification Board and the disciplinary rules enforced by this Board (Gov't Code §52.002).

The Chief Justice has the responsibility to: (1) confer with the presiding judges of the administrative judicial regions to promote the prompt dispatch of judicial business (Gov't Code §74.001); (2) assign judges between administrative judicial regions (Gov't Code §74.057); (3) assign retired appellate justices to the various courts of appeals on a temporary basis (Gov't Code §73.003); (4) deliver a "State of the Judiciary" message at the commencement of each regular session of the Legislature (Gov't Code §21.004); and (5) ensure that the Supreme Court executes and implements its administrative duties and responsibilities (Gov't Code §72.006).

### THE COURT OF CRIMINAL APPEALS

To relieve the Supreme Court of some of its caseload, the Constitution of 1876 created the Court of Appeals, composed of three elected judges, with appellate jurisdiction in all criminal cases and in those civil cases tried by the county courts. The judiciary article that was created by the constitutional amendment of 1891 changed the name of this court to the Court of Criminal Appeals and limited its jurisdiction to appellate jurisdiction in criminal cases only.

A constitutional amendment adopted in 1980 provides:

The Court of Criminal Appeals shall have final appellate jurisdiction coextensive with the limits of the State, and its determination shall be final, in all criminal cases of whatever grade, with such exceptions and under such regulations as may be provided in this Constitution or as prescribed by law.

The jurisdiction of this Court extends to criminal cases heard by the intermediate Courts of Appeals and directly from the trial courts in all cases in which the death penalty has been imposed. The Court of Criminal Appeals (and the Supreme Court) have jurisdiction to answer questions of state law certified from a federal appellate court. In addition, the Legislature has authorized the Court of Criminal Appeals to promulgate rules of evidence and appellate procedure for criminal cases.

The Court of Criminal Appeals, as originally established, was composed of three judges. As its workload increased, the Legislature granted it the authority to appoint commissioners to aid in the disposition of pending cases. The number of judges on the Court was increased to five by a constitutional amendment adopted in 1966, and was again increased to nine by another constitutional amendment adopted in 1977.

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Today, the Court of Criminal Appeals consists of a Presiding Judge and eight additional judges, who must have the same qualifications, and are elected in the same manner, as the justices of the Supreme Court.

### THE COURTS OF APPEALS

The first intermediate appellate court in Texas was created by the Constitution of 1876, which created a Court of Appeals with appellate jurisdiction in all criminal cases and in all civil cases originating in the county courts. However, by 1891, the docket of the Supreme Court had become so crowded that it became apparent that other changes were necessary to expedite the disposition of appellate cases. Thus, the amendment of 1891 converted the Court of Appeals into the Court of Criminal Appeals and authorized the Legislature to establish intermediate courts of civil appeals located at various places throughout the State. The purpose of this amendment was to preclude the large quantity of civil litigation from further congesting the docket of the Supreme Court, while at the same time providing for a more convenient and less expensive system of intermediate appellate courts for civil cases. Under this authority, the Legislature has divided the State into 14 court of appeals districts and has established a Court of Appeals in each.

Courts of Appeals are now located in the following cities: Amarillo, Austin, Beaumont, Corpus Christi, Dallas, Eastland, El Paso, Fort Worth, Houston (two courts), San Antonio, Texarkana, Tyler, and Waco.

Each Court of Appeals has jurisdiction of appeals from the trial courts located in its respective district. The appeals heard in these courts are based upon the "record" (a written transcription of the testimony given, exhibits introduced, and the documents filed in the trial court) and the written and oral arguments of the appellate lawyers. The Courts of Appeals do not receive testimony or hear witnesses in considering the cases on appeal.

Each of the Courts of Appeals has at least three judges--a chief justice and two other justices. However, the Legislature is empowered to increase this number whenever the workload of an individual court requires additional judges. The Dallas Court of Appeals has 13 justices, the two courts located in Houston (the First and the Fourteenth) each have nine justices, the courts located in Fort Worth and San Antonio each have seven, the courts located in Austin and Corpus Christi each have six, the courts located in El Paso and Amarillo each have four, and the remaining courts each retain the constitutional minimum number of three. There are now 80 judges serving on the 14 intermediate Courts of Appeals.

Judges of these courts are elected in partisan elections for six-year terms of office by the voters in their own districts. They must have the same qualifications for office as the justices of the Supreme Court of Texas.

### TRIAL COURTS

The trial courts are those courts in which witnesses are heard, testimony is received, exhibits are offered into evidence, and a verdict is rendered. In a civil case, the verdict determines which party to the lawsuit prevails; in a criminal case, the verdict determines whether the defendant is guilty or not guilty of the crime alleged. Defendants in criminal cases and the parties in civil lawsuits have the right to a trial by a jury of either six or twelve local citizens. Except in capital murder cases, the parties have the right to waive a trial by jury and have the judge presiding over the case make the final determination. Generally, determinations made in the trial courts can be appealed to the appellate courts for review.

The trial court structure in Texas has several different levels, each level handling different types of cases. The state trial court of general jurisdiction is known as the district court. The county-level courts consist of the "constitutional" county courts, the "statutory" county courts, and the "statutory" probate courts. In addition, there are the municipal courts, located in each incorporated city of the State, and the justice of the peace courts, located in precincts of each county of the State.

### DISTRICT COURTS

The district courts are the primary trial courts in Texas, the successor to the common law *nisi prius* courts. The Constitution of the Republic provided for not less than three nor more than eight district courts, each having a judge elected by a joint ballot of both houses of Congress for a term of four years. Most constitutions of the State continued the district courts but provided that the judges were to be elected by the qualified voters. (The exceptions were the Constitutions of 1845 and 1861 which provided for the appointment of judges by the Governor with confirmation by the Senate.) All of the constitutions have provided that the judges of these courts must be chosen from defined districts (as opposed to statewide election) and that court proceedings be conducted at the county seat of each county.

District courts are courts of general jurisdiction. A constitutional amendment adopted effective in November 1985 amends Article V, Section 8 of the Texas Constitution, in pertinent part, as follows:

District Court jurisdiction consists of exclusive, appellate, and original jurisdiction of all actions, proceedings, and remedies, except in cases where exclusive, appellate, or original jurisdiction may be conferred by this Constitution or other law on some other court, tribunal, or administrative body.

This provision, while it extends a district court's potential jurisdiction to "all actions," also makes such jurisdiction relative in that the court's jurisdiction excludes any matters in which exclusive, appellate, or original jurisdiction is conferred by law upon some other court. For this reason, while one can speak of the "general" jurisdiction of a district court, the actual jurisdiction of any specific court will always be limited by the constitutional or statutory provisions which confer exclusive, original, or appellate jurisdiction on other courts serving the same county or counties.

Taking into account the various constitutional and statutory provisions which confer general jurisdiction on other levels of court, it can be said that district courts generally have the following jurisdiction: original jurisdiction in all criminal cases of the grade of felony, and misdemeanors involving official misconduct; cases of divorce; suits for title to land or enforcement of liens on land; contested elections; suits for slander or defamation; suits in behalf of the State for escheat; and all civil matters wherein the amount in controversy is \$200 or more. In those counties having statutory county courts at law, the district courts generally have exclusive jurisdiction in civil cases wherein the amount in controversy is \$100,000 or more and concurrent jurisdiction with the statutory county courts at law in cases where the amount in controversy exceeds \$500 but is less than \$100,000.

The district courts hear contested matters involved in probate cases and have general supervisory control over commissioners courts. In addition, district courts have the power to issue writs of habeas corpus, mandamus, injunction, certiorari, sequestration, attachment, garnishment, and all writs necessary to enforce their jurisdiction.

Appeals from judgments of the district courts are to the Court of Appeals having jurisdiction over the locale of the district court.

As of September 1, 1995, the Legislature had established 387 separate district-level courts, identified by separate numbers, each having its own judge elected by the voters of the judicial district. In a number of locations, the geographical jurisdiction of two or more district courts is overlapping. Eight additional courts will become effective September 1, 1995, and one additional court has been created to become effective September 1, 1996.

A 1985 constitutional amendment established a Judicial Districts Board to reapportion Texas judicial districts, subject to legislative approval. The same amendment also allows for more than one judge per judicial district.

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Most district courts exercise criminal and civil jurisdiction, but in the metropolitan areas there is a tendency for the courts to specialize in either civil, criminal, or family law matters. In some localities, the courts that exercise criminal jurisdiction exclusively are designated criminal district courts. A limited number of district courts also exercise the subject-matter jurisdiction normally exercised by county courts.

### SPECIALIZED JURISDICTION

The Supreme Court has repeatedly held that the Legislature cannot reduce the constitutional jurisdiction of a district court. *Lord v. Clayton*, 163 Tex. 62, 352 S.W.2d 718 (1961); *Ex Parte Richards*, 137 Tex. 520, 155 S.W.2d 597 (1941); *Reasonover v. Reasonover*, 122 Tex. 512, 58 S.W. 2d 817 (1933); *St. Louis S. W. Ry. v. Hall*, 98 Tex. 480, 85 S.W. 786 (1905). Accord, *Zamora v. State*, 508 S.W.2d 819 (Tex. Crim. App. 1974). See also, *Ward v. State*, 523 S.W.2d 681, 682 (Tex. Crim. App. 1975); *Castro v. State*, 124 Tex. Crim. 13, 60 S.W.2d 211 (1933); and dissenting opinion in *Ex Parte Bazemore*, 430 S.W.2d 205 (Tex. Crim. App. 1968).

In *St. Louis S.W. Ry. v. Hall*, the Supreme Court stated the rule as follows: "If the Legislature did enough to bring into active existence a district court, it was at once clothed with the powers conferred by the Constitution upon such courts, and any attempts in the act to unduly limit those powers must be treated as futile." 85 S.W. at 788. In *Lord v. Clayton*, the Supreme Court held that, although the statute creating the 136th District Court of Jefferson County purportedly limited its jurisdiction to civil cases only, and other legislation purported to give exclusive jurisdiction in criminal cases to the Criminal District Court of Jefferson County, the 136th Court was nevertheless a constitutional district court with full power to impanel a grand jury, receive an indictment, and try the accused.

A new facet has been added to this jurisdictional issue by the 1985 amendment of Article. V, Section. 8 of the Constitution which now grants the district courts jurisdiction over all matters "except in cases where...jurisdiction may be conferred by this constitution or other law on some other court....".

Although the Legislature has not been able to divest a regular district court of any of its constitutional jurisdiction, the Legislature may, under its constitutional authority to create "other courts" (Tex. Const. art. V, sec. 1) establish special "district-level" courts with limited jurisdiction. See *Jordan v. Crudgington*, 231 S.W.2d 641 (Tex. 1950) (regarding the Court of Domestic Relations of Potter County); *Ex Parte Richards*, 137 Tex. 520, 155 S.W.2d 597 (1941) (regarding the Criminal District Court of Willacy County).

One "Criminal District Court" was created with jurisdiction limited to criminal, divorce, dependent and delinquent children, adoption, and civil habeas corpus proceedings:

Criminal District Court of Jefferson County ..... 24.920 1

As will be noted later, most special "Criminal District Courts" have jurisdiction concurrent with county-level courts in criminal matters.

While the courts have ruled that the Legislature may not limit the jurisdiction of regular district courts, the statutes frequently express the intention that certain district courts give primary attention to only a portion of those matters over which they have jurisdiction.

The 65th Legislature, in 1977, converted all functioning domestic relations and special juvenile courts to district courts of general jurisdiction. However, these courts have primary responsibility for cases involving family law matters. These courts are known as "Family District Courts." There are now 32 such courts:

300th Brazoria .....24.601, 24.608  
 301st Dallas .....24.601, 24.609  
 302nd Dallas .....24.601, 24.610  
 303rd Dallas .....24.601, 24.611 2  
 304th Dallas .....24.601, 24.612  
 305th Dallas .....24.601, 24.613  
 306th Galveston .....24.601, 24.614  
 307th Gregg .....24.601, 24.615

308th Harris .....24.601, 24.616  
 309th Harris .....24.601, 24.617  
 310th Harris .....24.601, 24.618  
 311th Harris .....24.601, 24.619  
 312th Harris .....24.601, 24.620  
 313th Harris .....24.601, 24.621  
 314th Harris .....24.601, 24.622  
 315th Harris .....24.601, 24.623  
 316th Hutchinson .....24.601, 24.624 2  
 317th Jefferson .....24.601, 24.625  
 318th Midland .....24.601, 24.626  
 319th Nueces .....24.601, 24.627  
 320th Potter .....24.601, 24.628  
 321st Smith .....24.601, 24.629  
 322nd Tarrant .....24.601, 24.630  
 323rd Tarrant .....24.601, 24.631  
 324th Tarrant .....24.601, 24.632  
 325th Tarrant .....24.601, 24.633  
 326th Taylor .....24.601, 24.634  
 327th El Paso .....24.601, 24.635  
 328th Fort Bend .....24.601, 24.636  
 329th Wharton .....24.601, 24.637  
 330th Dallas .....24.601, 24.638  
 360th Tarrant .....24.601, 24.639

Seven district courts are instructed to "give preference" to criminal cases, and all indictments in the county are to be returned to one of those courts:

144th Bexar ..... 24.245, 24.139, 75.013  
 175th Bexar ..... 24.268, 24.139, 75.013  
 186th Bexar ..... 24.274, 24.139, 75.013  
 187th Bexar ..... 24.366, 24.139, 75.013 3  
 226th Bexar ..... 24.404, 24.139, 75.013  
 227th Bexar ..... 24.405, 24.139, 75.013  
 290th Bexar ..... 24.467, 24.139, 75.013

Another district court is directed to give primary preference to cases under Titles 2 and 3 of the Family Code and secondary preference to criminal cases:

289th Bexar .....24.466, 24.139 4

Also, in Bexar county, all civil cases are to be docketed in one of the eleven district courts which do not give preference to criminal cases. (This provision may not be mandatory on the clerk. See *Lord vs. Clayton*, 352 S.W.2d at 722):

37th Bexar ..... 24.139  
 45th Bexar .....24.147, 24.139  
 57th Bexar .....24.159, 24.139  
 73rd Bexar .....24.175, 24.139  
 131st Bexar .....24.233, 24.139 5  
 150th Bexar .....24.249, 24.139  
 166th Bexar .....24.263, 24.139  
 224th Bexar .....24.402, 24.139  
 225th Bexar .....24.403, 24.139  
 285th Bexar .....24.462, 24.139  
 288th Bexar .....24.465, 24.139

Forty-one district courts are instructed to give preference to criminal cases:

105th Nueces, Kenedy, Kleberg ..... 24.207  
 107th Cameron, Willacy ..... 24.209  
 138th Cameron, Willacy ..... 24.240  
 147th Travis ..... 24.248  
 182nd Harris ..... 24.362  
 183rd Harris ..... 24.363 6  
 184th Harris ..... 24.364  
 185th Harris ..... 24.365  
 194th Dallas ..... 24.373  
 195th Dallas ..... 24.374

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*Citations following are to the Texas Government Code. Index to subject-matter reference numbers is found on page 35.*

197th Cameron, Willacy .....	24.376
202nd Bowie .....	24.381
203rd Dallas .....	24.382
204th Dallas .....	24.383
205th Culberson, El Paso, Hudspeth .....	24.384
207th Caldwell, Comal, Hays .....	24.386
208th Harris .....	24.387
209th Harris .....	24.388
214th Nueces .....	24.393
228th Harris .....	24.406
230th Harris .....	24.407
232nd Harris .....	24.409
248th Harris .....	24.425
252nd Jefferson .....	24.429
262nd Harris .....	24.439
263rd Harris .....	24.440
265th Dallas .....	24.442
282nd Dallas .....	24.459
283rd Dallas .....	24.460
291st Dallas .....	24.468
292nd Dallas .....	24.469
297th Tarrant .....	24.474
337th Harris .....	24.483
338th Harris .....	24.484
339th Harris .....	24.485
351st Harris .....	24.497
363rd Dallas .....	24.508
371st Tarrant .....	24.516
372nd Tarrant .....	24.517
377th Victoria .....	24.522
Criminal District Court No. 4 of Tarrant County .....	24.913

Ten district courts are similarly instructed to give preference to civil cases:

103rd Cameron, Willacy .....	24.205
215th Harris .....	24.394
295th Harris .....	24.472
298th Dallas .....	24.475
333rd Harris .....	24.479
334th Harris .....	24.480
342nd Tarrant .....	24.488
345th Travis .....	24.491
348th Tarrant .....	24.494
352nd Tarrant .....	24.498

Ten district courts are to give preference to family law matters:

231st Tarrant .....	24.408
233rd Tarrant .....	24.410
245th Harris .....	24.422
246th Harris .....	24.423
247th Harris .....	24.424
254th Dallas .....	24.431
255th Dallas .....	24.432
256th Dallas .....	24.433
257th Harris .....	24.434
279th Jefferson .....	24.456

One district court is to give preference to civil cases and cases under Title 2 of the Family Code:

225th Bexar .....	24.403, 24.139
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One district court is directed by statute to give preference to civil cases and cases under Title 3 of the Family Code:

73rd Bexar .....	24.175, 24.139
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One district court is directed by statute to give first preference to family law cases and second preference to criminal cases:

148th Nueces .....	24.353
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As of September 1, 1995, 171 statutory county courts and 18 statutory probate courts had been created, largely in metropolitan areas. Four additional courts have been authorized by the Legislature to be made operational at a later date. While the jurisdiction of these courts is generally carved out of that given to the constitutional county courts, the statutes specify in many instances that certain jurisdiction normally in the district court is to be exercised concurrently by the statutory county court and the district court.

In 1991, the 72nd Legislature passed H.B. 66, which provided that a statutory county court exercising civil jurisdiction of the county court, with certain exceptions enumerated in the statutes, has concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$100,000 (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition) and appeals of final rulings and decisions of the Texas Workers' Compensation Commission. A "statutory county court" means a county court created by the Legislature, including county courts at law, county criminal courts, county criminal courts of appeals, and county civil courts at law, but does not include statutory probate courts, other than a county court at law and probate court in Brazoria County.

Forty-five county courts at law have concurrent jurisdiction with the district court in appeals of decisions of the Texas Workers' Compensation Commission and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law No. 1 of Bell County .....	25.0162
County Court at Law No. 2 of Bell County .....	25.0162
* County Court at Law No. 3 of Bell County .....	25.0162
<i>Effective 01/01/99 or on such earlier date as may be determined by the County Commissioners.</i>	
County Court at Law No. 2 of Bexar County .....	25.0172
County Court at Law No. 3 of Bexar County .....	25.0172
County Court at Law No. 4 of Bexar County .....	25.0172
County Court at Law No. 5 of Bexar County .....	25.0172
County Court at Law No. 6 of Bexar County .....	25.0172
County Court at Law No. 7 of Bexar County .....	25.0172
County Court at Law No. 8 of Bexar County .....	25.0172
County Court at Law No. 9 of Bexar County .....	25.0172
County Court at Law No. 1 of Cameron County .....	25.0332
County Court at Law No. 2 of Cameron County .....	25.0332
County Court at Law of Collin County .....	25.0452
County Court at Law No. 2 of Collin County .....	25.0452
County Court at Law No. 3 of Collin County .....	25.0452
* County Court at Law No. 4 of Collin County .....	25.0452
<i>Effective 10/01/95.</i>	
County Court at Law No. 1 of Dallas County .....	25.0592
County Court at Law No. 2 of Dallas County .....	25.0592
County Court at Law No. 3 of Dallas County .....	25.0592
County Court at Law No. 4 of Dallas County .....	25.0592
County Court at Law No. 5 of Dallas County .....	25.0592
County Court at Law of Erath County .....	25.0742
County Court at Law of Grayson County .....	25.0932
County Court at Law No. 2 of Grayson County .....	25.0932
County Court at Law of Gregg County .....	25.0942
County Court at Law of Guadalupe County .....	25.0962
County Court at Law of Harrison County .....	25.1042
County Court at Law of Hunt County .....	25.1182
County Court at Law No. 1 of Jefferson County .....	25.1252
County Court at Law No. 2 of Jefferson County .....	25.1252
County Court at Law No. 3 of Jefferson County .....	25.1252
County Court at Law No. 1 of Potter County .....	25.1902
County Court at Law of Taylor County .....	25.2232
County Court at Law No. 2 of Taylor County .....	25.2232
County Court at Law of Tom Green County .....	25.2282
County Court at Law No. 2 of Tom Green County .....	25.2282
County Court at Law No. 1 of Travis County .....	25.2292
County Court at Law No. 2 of Travis County .....	25.2292
County Court at Law No. 3 of Travis County .....	25.2292
County Court at Law No. 5 of Travis County .....	25.2292
County Court at Law No. 6 of Travis County .....	25.2292

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*Citations following are to the Texas Government Code. Index to subject-matter reference numbers is found on page 35.*

County Court at Law No. 7 of Travis County . . . . .	25.2292
County Court at Law No. 1 of Victoria County . . . . .	25.2372
County Court at Law No. 2 of Victoria County . . . . .	25.2372

One statutory probate court, as provided in the statute establishing the court, has concurrent jurisdiction with the district court in appeals of decisions of the Texas Workers' Compensation Commission and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law No. 1 and Probate Court of Bexar County . . . . .	25.0173 13
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The specific statutes creating individual statutory county courts or statutory probate courts often provide that these courts have concurrent jurisdiction with the district court in matters normally exercised by the district court. This jurisdiction may be additional to or different than the concurrent jurisdiction granted to some statutory county courts by H.B. 66, as discussed above.

One county court at law has concurrent jurisdiction with the district court in all matters:

County Court at Law of Panola County . . . . .	25.1852 14
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Two county courts at law have concurrent jurisdiction with the district court in family law cases and all criminal cases:

* County Court at Law of Bee County . . . . . <i>Effective 01/01/98 or on such earlier date as may be determined by the County Commissioners.</i>	25.0152 15
* County Court at Law of Matagorda County . . . . . <i>Effective 01/01/98 or on such earlier date as may be determined by the County Commissioners.</i>	25.1632

Four county courts at law have regular statutory county court jurisdiction and concurrent jurisdiction with the district courts in all matters except felony official misconduct, contested elections, and family law cases:

County Court at Law No. 1 of Nueces County . . . . .	25.1802
County Court at Law No. 2 of Nueces County . . . . .	25.1802 16
County Court at Law No. 3 of Nueces County . . . . .	25.1802
County Court at Law No. 4 of Nueces County . . . . .	25.1802

One statutory probate court has concurrent jurisdiction with the district court in eminent domain cases and suits involving title to real or personal property:

Probate Court No. 1 of Bexar County . . . . .	25.0173 17
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Fifty-three county courts at law have concurrent jurisdiction with the district court in specified family law matters, appeals of decisions of the Texas Workers' Compensation Commission, and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law No. 1 of Angelina County . . . . .	25.0052
County Court at Law No. 2 of Angelina County . . . . .	25.0052
County Court at Law of Austin County . . . . .	25.0102
County Court at Law of Bastrop County . . . . .	25.0132
County Court at Law No. 1 of Brazos County . . . . .	25.0232
County Court at Law No. 2 of Brazos County . . . . .	25.0232
County Court at Law of Caldwell County . . . . .	25.0302
County Court at Law of Cherokee County . . . . .	25.0392 18
County Court at Law of Comal County . . . . .	25.0482
County Court at Law of Coryell County . . . . .	25.0522
County Court at Law of Ector County . . . . .	25.0702
County Court at Law No. 2 of Ector County . . . . .	25.0702
County Court at Law of Ellis County . . . . .	25.0722
County Court at Law No. 1 of Fort Bend County . . . . .	25.0812
County Court at Law No. 2 of Fort Bend County . . . . .	25.0812
County Court at Law No. 3 of Fort Bend County . . . . .	25.0812
County Court at Law No. 1 of Galveston County . . . . .	25.0862
County Court at Law No. 2 of Galveston County . . . . .	25.0862
County Court at Law No. 1 of Hays County . . . . .	25.1072
County Court at Law No. 2 of Hays County . . . . .	25.1072

County Court at Law of Henderson County . . . . .	25.1092
County Court at Law of Hidalgo County . . . . .	25.1102
County Court at Law No. 2 of Hidalgo County . . . . .	25.1102
County Court at Law No. 3 of Hidalgo County . . . . .	25.1102
County Court at Law No. 4 of Hidalgo County . . . . .	25.1102
County Court at Law of Houston County . . . . .	25.1152
County Court at Law No. 1 of Johnson County . . . . .	25.1282
County Court at Law No. 2 of Johnson County . . . . .	25.1282
County Court at Law of Kerr County . . . . .	25.1352
County Court at Law of Liberty County . . . . .	25.1482
County Court at Law No. 1 of Lubbock County . . . . .	25.1542
County Court at Law No. 2 of Lubbock County . . . . .	25.1542
County Court at Law No. 3 of Lubbock County . . . . .	25.1542 18
County Court at Law of Medina County . . . . .	25.1652
County Court at Law of Midland County . . . . .	25.1672
County Court at Law No. 2 of Midland County . . . . .	25.1672
County Court at Law of Moore County . . . . .	25.1732
County Court at Law of Nacogdoches County . . . . .	25.1762
County Court at Law of Nolan County . . . . .	25.1792
County Court at Law of Orange County . . . . .	25.1832
County Court at Law No. 2 of Potter County . . . . .	25.1902
County Court at Law of Reeves County . . . . .	25.1972
County Court at Law of Rusk County . . . . .	25.2032
County Court at Law of Val Verde County . . . . .	25.2352
County Court at Law of Walker County . . . . .	25.2382
County Court at Law of Waller County . . . . .	25.2392
County Court at Law of Washington County . . . . .	25.2412
County Court at Law No. 1 of Wichita County . . . . .	25.2452
County Court at Law No. 2 of Wichita County . . . . .	25.2452
* County Court at Law of Wilbarger County . . . . . <i>Court authorized effective 01/01/94; not implemented by County Commissioners as of 08/31/95.</i>	25.2462
County Court at Law No. 1 of Williamson County . . . . .	25.2482
County Court at Law No. 2 of Williamson County . . . . .	25.2482
County Court at Law of Wise County . . . . .	25.2512

Four statutory probate courts have concurrent jurisdiction with the district court in family law matters, appeals of decisions of the Texas Workers' Compensation Commission, and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law No. 1 and Probate Court of Brazoria County . . . . .	25.0222
County Court at Law No. 2 and Probate Court of Brazoria County . . . . .	25.0222 19
County Court at Law No. 3 and Probate Court of Brazoria County . . . . .	25.0222
Probate and County Court of Galveston County . . . . .	25.0862

Two statutory county courts have felony jurisdiction concurrent with the district court over matters involving intoxication arising by a true bill of indictment by a grand jury charging one or more offenses under chapter 49, Penal Code:

* County Criminal Court No. 1 of Denton County . . . . . <i>Effective 08/01/95.</i>	25.0634 20
County Criminal Court No. 2 of Denton County . . . . .	25.0634

One county court at law has concurrent jurisdiction with the district court in contested probate matters, family law matters, appeals of decisions of the Texas Workers' Compensation Commission, and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law of Parker County . . . . .	25.1862 21
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One county court at law has concurrent jurisdiction with the district court in tax cases, family law matters, appeals of decisions of the Texas Workers' Compensation Commission, and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law of Polk County . . . . .	25.1892 22
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Three county courts at law have concurrent jurisdiction with the district court in matters involving an *inter vivos* trust, specified family law matters,

## SUBJECT-MATTER JURISDICTION OF THE COURTS

*Citations following are to the Texas Government Code. Index to subject-matter reference numbers is found on page 35.*

appeals of decisions of the Texas Workers' Compensation Commission, and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law No. 1 of Montgomery County . . .	25.1722
County Court at Law No. 2 of Montgomery County . . .	25.1722 23
County Court at Law No. 3 of Montgomery County . . .	25.1722

One county court at law has concurrent jurisdiction with the district court in suits involving title to real property, family law matters, appeals of decisions of the Texas Workers' Compensation Commission, and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law of Starr County . . . . .	25.2162 24
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One statutory probate court has concurrent jurisdiction with the district court in eminent domain cases, suits involving title to real or personal property, appeals of decisions of the Texas Workers' Compensation Commission, and civil cases when the matter in controversy does not exceed \$100,000:

Probate Court No. 2 of Bexar County . . . . .	25.0173 25
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One statutory probate court at law has concurrent jurisdiction with the district court in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, regardless of the amount in controversy or the remedy sought; civil forfeitures; mental health matters, original or appellate; and civil cases when the amount in controversy does not exceed \$100,000:

Probate Court of Denton County . . . . .	25.0635 26
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Four statutory county courts have concurrent jurisdiction with the district court in slander or defamation suits, suits involving the title to real or personal property, suits involving the enforcement of real property liens, suits involving the forfeiture of a corporate charter, suits involving the recovery of real property, suits involving the right to property valued at \$200 or more that has been levied on, appeals of decisions of the Texas Workers' Compensation Commission, and civil cases when the matter in controversy does not exceed \$100,000:

County Civil Court at Law No. 1 of Harris County . . . .	25.1032
County Civil Court at Law No. 2 of Harris County . . . .	25.1032 27
County Civil Court at Law No. 3 of Harris County . . . .	25.1032
County Civil Court at Law No. 4 of Harris County . . . .	25.1032

Three county courts at law have concurrent jurisdiction with the district court in eminent domain proceedings, slander or defamation suits, suits involving the title to real or personal property, suits involving the enforcement of real property liens, suits involving the forfeiture of a corporate charter, suits involving the recovery of real property, suits involving the right to property valued at \$200 or more that has been levied on, nonjury family law cases, appeals of decisions of the Texas Workers' Compensation Commission, and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law No. 1 of Tarrant County . . . . .	25.2222
County Court at Law No. 2 of Tarrant County . . . . .	25.2222 28
County Court at Law No. 3 of Tarrant County . . . . .	25.2222

One county court at law has concurrent jurisdiction with the district court, except felony jury trials, suits on behalf of the State to recover penalties or escheated property, misdemeanors involving official misconduct, contested elections, or civil cases when the amount in controversy exceeds \$100,000:

County Court at Law of Hopkins County . . . . .	25.1142 29
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One county court at law has concurrent jurisdiction with the district court in civil cases, specified family law matters, appeals of decisions of the Texas Workers' Compensation Commission, and there is no upper limit on the amount in controversy:

County Court at Law of Randall County . . . . .	25.1932 30
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Five county courts at law have concurrent jurisdiction with the district court, except felony cases (other than those provided by law), misdemeanors involving official misconduct, or contested elections, and there is no upper limit on the amount in controversy in civil cases:

County Court at Law No. 1 of El Paso County . . . . .	25.0732
County Court at Law No. 2 of El Paso County . . . . .	25.0732
County Court at Law No. 3 of El Paso County . . . . .	25.0732 31
County Court at Law No. 4 of El Paso County . . . . .	25.0732
County Court at Law No. 5 of El Paso County . . . . .	25.0732

Two county courts at law have concurrent jurisdiction with the district court, except felony cases, misdemeanors involving official misconduct, contested elections, or suits on behalf of the State to recover penalties, forfeiture, or escheat, and there is no upper limit on the amount in controversy in civil cases:

County Court at Law of Smith County . . . . .	25.2142 32
County Court at Law No. 2 of Smith County . . . . .	25.2142

One county court at law has concurrent jurisdiction with the district court, except felony cases involving capital murder, suits on behalf of the State to recover penalties or escheated properties, misdemeanors involving official misconduct, or contested elections:

County Court at Law of Kaufman County . . . . .	25.1312 33
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One county court at law has concurrent jurisdiction with the district court, except felony cases (other than writs of habeas corpus), misdemeanors involving official misconduct, contested elections, or appeals from county court, and there is no upper limit on the amount in controversy in civil cases:

County Court at Law No. 1 of Calhoun County . . . . .	25.0312 34
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Two county courts at law have concurrent jurisdiction with the district court in proceedings to expunge a criminal arrest record, specified family law matters, appeals of decisions of the Texas Workers' Compensation Commission, and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law No. 1 of Webb County . . . . .	25.2422 35
County Court at Law No. 2 of Webb County . . . . .	25.2422

One county court at law has concurrent jurisdiction with the district court in felony cases to conduct arraignments, conduct pretrial hearings, and accept guilty pleas; family law matters; appeals of decisions of the Texas Workers' Compensation Commission; and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law of Kleberg County . . . . .	25.1392 36
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One county court at law has concurrent jurisdiction with the district court in felony cases to conduct arraignments, conduct pretrial hearings, and accept guilty pleas; probate matters (including will contests); family law matters; appeals of decisions of the Texas Workers' Compensation Commission; and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law of Anderson County . . . . .	25.0032 37
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Two county courts at law have concurrent jurisdiction with the district court in felony cases to conduct arraignments, conduct pretrial hearings, accept guilty pleas, and conduct probation revocation hearings; third degree felony cases; appeals of decisions of the Texas Workers' Compensation Commission; and civil cases when the matter in controversy does not exceed \$100,000:

County Court at Law of McLennan County . . . . .	25.1572 38
County Court at Law No. 2 of McLennan County . . . .	25.1572

Four statutory county courts have concurrent jurisdiction with the district court to conduct arraignments, conduct pretrial hearings, and accept

## SUBJECT-MATTER JURISDICTION OF THE COURTS

*Citations following are to the Texas Government Code. Index to subject-matter reference numbers is found on page 35.*

guilty pleas in felony cases:

County Criminal Court No. 7 of Tarrant County	.....	25.2223	
County Criminal Court No. 8 of Tarrant County	.....	25.2223	39
County Criminal Court No. 9 of Tarrant County	.....	25.2223	
County Criminal Court No. 10 of Tarrant County	.....	25.2223	

One statutory criminal law magistrate court has concurrent criminal jurisdiction with the district court, except to hear a trial of a felony offense on the merits if a jury trial is demanded or if a defendant pleads not guilty, impose sentence in a felony case unless the judge in whose court the case is pending assigned the case to the criminal law magistrate court for a guilty plea and sentence, or hear any part of a capital murder case after indictment:

El Paso Criminal Law Magistrate Court	.....	54.733	40
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A wide variety of statutory changes have been made blurring the line between district court jurisdiction and county court jurisdiction.

In six counties, all civil and criminal jurisdiction of the county court, except probate, has been transferred to the district court:

Bowie (5th, 102nd, 202nd District Courts)	.....	24.105, 24.204, 24.381, 26.119	
Comal (22nd, 207th, 274th District Courts)	.....	24.123, 24.386, 24.451, 26.146	
Jones (259th District Court)	.....	24.436, 26.227	41
Shackelford (259th District Court)	.....	24.436, 26.309	
Stephens (90th District Court)	.....	24.192, 26.315	
Webb (49th District Court)	.....	24.151, 26.340	

All civil jurisdiction of the county court, except probate, has been transferred to the district court in two counties, and the district court has concurrent with the county court the criminal jurisdiction of a county court:

Eastland (91st District Court)	.....	24.193, 26.167	42
Morris (76th, 276th District Courts)	..	24.178, 24.453, 26.272	

All civil and criminal jurisdiction of the county court, except probate and the jurisdiction to receive guilty pleas in misdemeanor cases, has been transferred to the district court in four counties:

Baylor (50th District Court)	.....	24.152, 26.112	
Cottle (50th District Court)	.....	24.152; 26.151	43
King (50th District Court)	.....	24.152, 26.235	
Knox (50th District Court)	.....	24.152, 26.238	

In two other counties, all civil and criminal jurisdiction of the county court, except probate, has been transferred to the district court, and the two levels of courts have been granted concurrent jurisdiction to receive guilty pleas in misdemeanor cases:

Cass (5th District Court)	.....	24.105, 26.134	
Marion (115th, 276th District Courts)	.....	24.217, 24.453, 26.258	44

In another county, all civil cases, except those involving probate matters and orders providing for support of deserted wives or children, and all criminal cases appealed from the justice and municipal courts have been transferred to the district court, and the county and district courts have concurrent jurisdiction in matters in which the county court normally has original criminal jurisdiction:

Red River (6th, 102nd District Courts)	.....	24.106, 24.204, 26.294	45
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All civil jurisdiction of the county court, except probate, has been transferred to the district court in six counties:

Glasscock (118th District Court)	.....	24.220, 26.187	46
Mills (35th District Court)	.....	24.137, 26.267	
Navarro (13th District Court)	.....	24.114, 26.275	
Sabine (1st, 273rd District Courts)	...	24.101, 24.450, 26.302	46

San Augustine (1st, 273rd District Courts)	.....	24.101, 24.450, 26.303	
Wichita (30th, 78th, 89th District Courts)	.....	24.132, 24.180, 24.191, 26.343	

Rather than transfer jurisdiction absolutely from the county court to the district court, the Legislature in several instances has given both the district-level and the county courts concurrent jurisdiction in certain matters.

Six district courts have concurrent original and appellate criminal jurisdiction with the county court in matters normally in the county court:

9th Polk	.....	24.109	
2nd 9th Polk	.....	24.110	
76th Camp	.....	24.178	47
207th Caldwell	.....	24.386	
258th Polk	.....	24.435	
276th Camp	.....	24.453, 24.178	

Seventeen district-level courts have concurrent original criminal jurisdiction with the statutory county criminal courts in matters of county court original criminal jurisdiction:

14th Dallas	.....	24.901, 24.115	
44th Dallas	.....	24.146, 24.901, 24.115	
68th Dallas	.....	24.170, 24.901, 24.115	
95th Dallas	.....	24.197, 24.901, 24.115	
101st Dallas	.....	24.203, 24.901, 24.115	
116th Dallas	.....	24.218, 24.901, 24.115	
134th Dallas	.....	24.236, 24.901, 24.115	
160th Dallas	.....	24.257, 24.901, 24.115	
162nd Dallas	.....	24.259, 24.901, 24.115	
Criminal District Court of Dallas County	.....	24.901 24.115	
Criminal District Court No. 2 of Dallas County	.....	24.902, 24.901, 24.115	48
Criminal District Court No. 3 of Dallas County	.....	24.903, 24.901, 24.115	
Criminal District Court No. 4 of Dallas County	.....	24.904, 24.901, 24.115	
Criminal District Court No. 5 of Dallas County	.....	24.905, 24.901, 24.115	
Criminal District Court No. 1 of Tarrant County	.....	24.910	
Criminal District Court No. 2 of Tarrant County	.....	24.910, 24.911	
Criminal District Court No. 3 of Tarrant County	.....	24.910, 24.912	

The statute creating one criminal district court provides that it shall have concurrent jurisdiction with the county courts at law in the county in matters of county court criminal jurisdiction:

Criminal District Court of Jefferson County	.....	24.920	49
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In seven counties, the district and county courts have concurrent jurisdiction in all civil and criminal matters normally vested solely in the county court:

Chambers (344th District Court)	.....	24.490	
Hardin (356th District Court)	.....	24.502	
Hill (66th District Court)	.....	24.168, 26.209	
Upshur (115th District Court)	.....	24.217, 26.330	50
Van Zandt (294th District Court)	.....	24.471	
Wood (294th District Court)	.....	24.471	
Zapata (49th District Court)	.....	24.151	

In one county, if the county judge is licensed to practice law in Texas and has practiced for at least two years, the jurisdiction of the constitutional county court is expanded to include (concurrent with the district court) family law cases, eminent domain, and civil matters when the amount in controversy does not exceed \$20,000:

Fayette	.....	26.175	51
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## SUBJECT-MATTER JURISDICTION OF THE COURTS

*Citations following are to the Texas Government Code. Index to subject-matter reference numbers is found on page 35.*

### COUNTY-LEVEL COURTS

The county courts were established by the Constitution of 1836. They were presided over by a chief justice appointed by the Congress of the Republic of Texas for a term of four years. This continued from 1836 to 1841, when the office was made elective. The term was shortened to two years in the Constitutions of 1845 and 1861. Under the Constitution of 1866, the name of the presiding officer of the court was changed from chief justice to county judge, and the term of office was again established at four years.

The county court was abolished by the Constitution of 1869, but was re-established by the Constitution of 1876 with an elected presiding officer, the county judge, with a two-year term. The term of office was increased to four years by a constitutional amendment adopted in 1954.

Today, the Texas Constitution provides for a county court in each county. Generally, "constitutional" county courts have concurrent jurisdiction with justice of the peace courts in civil cases where the amount in controversy exceeds \$200 but does not exceed \$5,000; general jurisdiction over probate cases; and exclusive original jurisdiction over all misdemeanors where punishment for the offense, upon conviction, is by fine exceeding \$500 and/or a jail sentence not to exceed one year. County courts generally have appellate jurisdiction (usually by trial *de novo*) over cases tried originally in the justice of the peace courts and municipal courts. Original and appellate judgments of the county courts may be appealed to the Courts of Appeals.

The Constitution provides that the county judge "shall be well informed in the law of the State ...". This has been interpreted to mean that neither formal study of the law nor a license to practice law is a necessary qualification to hold office as county judge. Currently, of the 254 county judges in the State, approximately 15 percent are licensed to practice law.

Under its constitutional authorization to "...establish such other courts as it may deem necessary...[and to] conform the jurisdiction of the district and other inferior courts thereto," the Legislature has created statutory county courts and statutory probate courts, primarily in metropolitan counties, to provide assistance to the single "constitutional" county court. The Legislature has authorized a total of 189 of these statutory courts in 74 counties to relieve the county judge of some or all of the judicial duties of office. As of September 1, 1994, 185 of these courts were in actual operation. (See list which follows.)

Under the constitutional grant of authority the Legislature has established the following statutory county courts and statutory probate courts (the number of statutory courts in each county is shown in parentheses):

<p><b>Anderson</b> (1) County Court at Law</p> <p><b>Angelina</b> (2) County Court at Law No. 1 County Court at Law No. 2</p> <p><b>Austin</b> (1) County Court at Law</p> <p><b>Bastrop</b> (1) County Court at Law</p> <p><b>Bee</b> (1) * County Court at Law <i>Effective 01/01/98 or on such earlier date as may be determined by the County Commissioners.</i></p> <p><b>Bell</b> (3) County Court at Law No. 1 County Court at Law No. 2 * County Court at Law No. 3 <i>Effective 01/01/99 or on such earlier date as may be determined by the County Commissioners.</i></p> <p><b>Bexar</b> (11) County Court at Law No. 1 and Probate Court County Court at Law No. 2 County Court at Law No. 3 County Court at Law No. 4 County Court at Law No. 5 County Court at Law No. 6 County Court at Law No. 7 County Court at Law No. 8 County Court at Law No. 9 Probate Court No. 1 Probate Court No. 2</p> <p><b>Brazoria</b> (3) County Court at Law No. 1 and Probate Court</p>	<p><b>Brazos</b> (2) County Court at Law No. 1 County Court at Law No. 2</p> <p><b>Caldwell</b> (1) County Court at Law</p> <p><b>Calhoun</b> (1) County Court at Law No. 1</p> <p><b>Cameron</b> (2) County Court at Law No. 1 County Court at Law No. 2</p> <p><b>Cherokee</b> (1) County Court at Law</p> <p><b>Collin</b> (4) County Court at Law County Court at Law No. 2 County Court at Law No. 3 * County Court at Law No. 4 <i>Effective 10/10/95.</i></p> <p><b>Comal</b> (1) County Court at Law</p> <p><b>Coryell</b> (1) County Court at Law</p> <p><b>Dallas</b> (20) County Court at Law No. 1 County Court at Law No. 2 County Court at Law No. 3 County Court at Law No. 4 County Court at Law No. 5 County Criminal Court County Criminal Court No. 2 County Criminal Court No. 3 County Criminal Court No. 4 County Criminal Court No. 5 County Criminal Court No. 6 County Criminal Court No. 7 County Criminal Court No. 8 County Criminal Court No. 9 County Criminal Court No.10 County Criminal Court of Appeals County Criminal Court of Appeals No. 2 Probate Court Probate Court No. 2 Probate Court No. 3</p> <p><b>Denton</b> (4) County Court at Law No. 1 * County Criminal Court No. 1 <i>Effective 08/01/95.</i> County Criminal Court No. 2 Probate Court</p> <p><b>Ector</b> (2) County Court at Law County Court at Law No. 2</p> <p><b>Ellis</b> (1) County Court at Law</p> <p><b>El Paso</b> (6) County Court at Law No. 1 County Court at Law No. 2 County Court at Law No. 3 County Court at Law No. 4 County Court at Law No. 5 Probate Court</p> <p><b>Erath</b> (1) County Court at Law</p> <p><b>Fort Bend</b> (3) County Court at Law No. 1 County Court at Law No. 2 County Court at Law No. 3</p> <p><b>Galveston</b> (3) County Court No. 1 County Court No. 2 Probate and County Court</p> <p><b>Grayson</b> (2) County Court at Law County Court at Law No. 2</p> <p><b>Gregg</b> (1) County Court at Law</p> <p><b>Guadalupe</b> (1) County Court at Law</p> <p><b>Harris</b> (23) County Civil Court at Law No. 1 County Civil Court at Law No. 2 County Civil Court at Law No. 3 County Civil Court at Law No. 4 County Criminal Court at Law No. 1 County Criminal Court at Law No. 2 County Criminal Court at Law No. 3 County Criminal Court at Law No. 4 County Criminal Court at Law No. 5 County Criminal Court at Law No. 6 County Criminal Court at Law No. 7 County Criminal Court at Law No. 8 County Criminal Court at Law No. 9</p>
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Citations following are to the Texas Government Code. Index to subject-matter reference numbers is found on page 35.

		County Criminal Court at Law No. 10
		County Criminal Court at Law No. 11
		County Criminal Court at Law No. 12
		County Criminal Court at Law No. 13
		County Criminal Court at Law No. 14
		County Criminal Court at Law No. 15
		Probate Court No. 1
		Probate Court No. 2
		Probate Court No. 3
		Probate Court No. 4
<b>Harrison</b>	(1)	County Court at Law
<b>Hays</b>	(2)	County Court at Law No. 1
		County Court at Law No. 2
<b>Henderson</b>	(1)	County Court at Law
<b>Hidalgo</b>	(4)	County Court at Law
		County Court at Law No. 2
		County Court at Law No. 3
		County Court at Law No. 4
<b>Hopkins</b>	(1)	County Court at Law
<b>Houston</b>	(1)	County Court at Law
<b>Hunt</b>	(1)	County Court at Law
<b>Jefferson</b>	(3)	County Court at Law No. 1
		County Court at Law No. 2
		County Court at Law No. 3
<b>Johnson</b>	(2)	County Court at Law No. 1
		County Court at Law No. 2
<b>Kaufman</b>	(1)	County Court at Law
<b>Kerr</b>	(1)	County Court at Law
<b>Kleberg</b>	(1)	County Court at Law
<b>Liberty</b>	(1)	County Court at Law
<b>Lubbock</b>	(3)	County Court at Law No. 1
		County Court at Law No. 2
		County Court at Law No. 3
<b>McLennan</b>	(2)	County Court at Law
		County Court at Law No. 2
<b>Matagorda</b>	(1) *	County Court at Law
		<i>Effective 01/01/98 or on such earlier date as may be determined by the County Commissioners.</i>
<b>Medina</b>	(1)	County Court at Law
<b>Midland</b>	(2)	County Court at Law
		County Court at Law No. 2
<b>Montgomery</b>	(3)	County Court at Law No. 1
		County Court at Law No. 2
		County Court at Law No. 3
<b>Moore</b>	(1)	County Court at Law
<b>Nacogdoches</b>	(1)	County Court at Law
<b>Nolan</b>	(1)	County Court at Law
<b>Nueces</b>	(4)	County Court at Law No. 1
		County Court at Law No. 2
		County Court at Law No. 3
		County Court at Law No. 4
<b>Orange</b>	(1)	County Court at Law
<b>Panola</b>	(1)	County Court at Law
<b>Parker</b>	(1)	County Court at Law
<b>Polk</b>	(1)	County Court at Law
<b>Potter</b>	(2)	County Court at Law No. 1
		County Court at Law No. 2
<b>Randall</b>	(1)	County Court at Law
<b>Reeves</b>	(1)	County Court at Law
<b>Rusk</b>	(1)	County Court at Law
<b>San Patricio</b>	(1)	County Court at Law
<b>Smith</b>	(2)	County Court at Law
		County Court at Law No. 2
<b>Starr</b>	(1)	County Court at Law
<b>Tarrant</b>	(15)	County Court at Law No. 1
		County Court at Law No. 2
		County Court at Law No. 3
		County Criminal Court No. 1
		County Criminal Court No. 2
		County Criminal Court No. 3
		County Criminal Court No. 4
		County Criminal Court No. 6
		County Criminal Court No. 7
		County Criminal Court No. 8

		County Criminal Court No. 9
		County Criminal Court No. 10
		County Criminal Court of Appeals
		Probate Court
		Probate Court No. 2
<b>Taylor</b>	(2)	County Court at Law
		County Court at Law No. 2
<b>Tom Green</b>	(2)	County Court at Law
		County Court at Law No. 2
<b>Travis</b>	(7)	County Court at Law No. 1
		County Court at Law No. 2
		County Court at Law No. 3
		Probate Court No. 1
		County Court at Law No. 5
		County Court at Law No. 6
		County Court at Law No. 7
<b>Val Verde</b>	(1)	County Court at Law
<b>Victoria</b>	(2)	County Court at Law No. 1
		County Court at Law No. 2
<b>Walker</b>	(1)	County Court at Law
<b>Waller</b>	(1)	County Court at Law
<b>Washington</b>	(1)	County Court at Law
<b>Webb</b>	(2)	County Court at Law No. 1
		County Court at Law No. 2
<b>Wichita</b>	(2)	County Court at Law No. 1
		County Court at Law No. 2
<b>Wilbarger</b>	(1) *	County Court at Law
		<i>Court authorized effective 01/01/94; but was not implemented by the County Commissioners as of 08/31/95.</i>
<b>Williamson</b>	(2)	County Court at Law No. 1
		County Court at Law No. 2
<b>Wise</b>	(1)	County Court at Law

The judges of these statutory courts are elected in countywide, partisan elections for four-year terms. Any vacancies occurring between elections are filled by appointment of the county commissioners. The statutes creating these courts uniformly require that the persons serving as judges must be licensed to practice law in Texas.

The legal jurisdiction of the special county courts varies considerably and is determined by the specific statute that establishes the particular court. As the varied names suggest, some of these courts have subject-matter jurisdiction in only limited fields, such as civil, criminal, probate, or appellate (from justice courts or municipal courts); however, even the specialized name does not always disclose the complete function of the court. To determine the exact jurisdiction of any one of the statutory county courts, it is necessary to review the specific statute that established it.

In general, statutory county courts, which have jurisdiction to exercise civil jurisdiction concurrent with the constitutional jurisdiction of the county court, have concurrent jurisdiction with district courts in civil matters when the amount in controversy is at least \$500.01 and not more than \$100,000 and appeals of final rulings and decisions of the Texas Workers' Compensation Commission. Other jurisdiction of a statutory county court is, broadly speaking, either carved out of the constitutional county court's regular jurisdiction or shared with it (concurrent). H.B. 66, passed by the 72nd Legislature in 1991, provided that a statutory county court has, concurrent with the county court, the probate jurisdiction provided by general law for county courts. However, in a county that has a statutory probate court, the statutory probate court is the only statutory county court with probate jurisdiction.

The jurisdiction of statutory county courts and their relation to the constitutional county courts take many forms. For six county courts at law, all civil, criminal, and probate jurisdiction of the county court was transferred to the statutory county court:

	County Court at Law No. 1 of Denton County . . . . .	26.161
*	County Criminal Court No. 1 of Denton County . . . . .	26.161
	<i>Effective 08/01/95.</i>	
	County Criminal Court No. 2 of Denton County . . . . .	26.161
	Probate Court of Denton County . . . . .	26.161

## SUBJECT-MATTER JURISDICTION OF THE COURTS

*Citations following are to the Texas Government Code. Index to subject-matter reference numbers is found on page 35.*

County Court at Law of Nacogdoches County .....	26.274, 25.1762	52
County Court at Law of Reeves County .....	26.295, 25.1972	

In one county, all civil and criminal jurisdiction of the county court was transferred to the county court at law but, if the county judge is an attorney, the county court exercises concurrent jurisdiction with the county court at law in all matters over which county courts have jurisdiction generally. If the county judge is not an attorney, the county court exercises concurrent jurisdiction with the county court at law only in probate and mental health matters:

County Court at Law of Bastrop County .....	26.111, 25.0132	53
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For 28 county courts at law, all civil and criminal jurisdiction of the county court was transferred to the county court at law and the courts have concurrent jurisdiction in probate matters:

County Court at Law No. 1 of Brazos County .....	26.121, 25.0232	
County Court at Law No. 2 of Brazos County .....	26.121, 25.0232	
County Court at Law No. 1 of Cameron County .....	26.131, 25.0332	
County Court at Law No. 2 of Cameron County .....	26.131, 25.0332	
County Court at Law of Collin County .....	26.143, 25.0452	
County Court at Law No. 2 of Collin County ..	26.143, 25.0452	
County Court at Law No. 3 of Collin County ..	26.143, 25.0452	
* County Court at Law No. 4 of Collin County ..	26.143, 25.0452	
<i>Effective 10/01/95.</i>		
County Court at Law of Grayson County .....	26.191, 25.0932	54
County Court at Law No. 2 of Grayson County .....	26.191, 25.0932	
County Court at Law of Hidalgo County .....	26.208, 25.1102	
County Court at Law No. 2 of Hidalgo County .....	26.208, 25.1102	
County Court at Law No. 3 of Hidalgo County .....	26.208, 25.1102	
County Court at Law No. 4 of Hidalgo County .....	26.208, 25.1102	
County Court of Jefferson County at Law No. 1 .....	26.223, 25.252	
County Court of Jefferson County at Law No. 2 .....	26.223, 25.252	
County Court at Law No. 1 of Lubbock County .....	26.252, 25.1542	
County Court at Law No. 2 of Lubbock County .....	26.252, 25.1542	
County Court at Law No. 3 of Lubbock County .....	26.252, 25.1542	
County Court at Law No. 1 of Nueces County .....	26.278, 25.1802	
County Court at Law No. 2 of Nueces County .....	26.278, 25.1802	
County Court at Law No. 3 of Nueces County .....	26.278, 25.1802	54
County Court at Law No. 4 of Nueces County .....	26.278, 25.1802	
County Court at Law of Taylor County .....	26.321, 25.2232	
County Court at Law No. 2 of Taylor County .....	26.321, 25.2232	
County Court at Law of Walker County .....	26.336, 25.2382	
County Court at Law of Waller County .....	26.237, 25.2392	
County Court at Law of Washington County .....	26.339, 25.2412	

One county court at law had transferred to it all civil and criminal jurisdiction of the county court and the courts have concurrent jurisdiction in probate matters, and the county court at law is instructed to give preference to criminal cases:

County Court of Jefferson County	
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at Law No. 3 .....	25.1252; 26.223	55
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Three county courts at law exercise concurrent jurisdiction with at least one of the district courts in the county in all civil and criminal matters that had earlier been transferred from the county court to the district court. The county court at law and county court have concurrent probate jurisdiction:

County Court at Law of Comal County .....	24.123, 25.0482, 26.146	
County Court at Law No. 1 of Webb County .....	24.151, 25.2422, 26.340	56
County Court at Law No. 2 of Webb County .....	24.151, 25.2422, 26.340	

For 18 county courts at law, all civil and criminal jurisdiction of the county court, except probate, was transferred to the county court at law:

County Court at Law No. 2 of Bexar County .....	25.0172, 26.115	
County Court at Law No. 3 of Bexar County .....	25.0172, 26.115	
County Court at Law No. 5 of Bexar County .....	25.0172, 26.115	
County Court at Law No. 7 of Bexar County .....	25.0172, 26.115	
County Court at Law No. 8 of Bexar County .....	25.0172, 26.115	
County Court at Law No. 9 of Bexar County .....	25.0172, 26.115	
County Court at Law No. 1 of El Paso County .....	26.171, 25.0732	
County Court at Law No. 2 of El Paso County .....	26.171, 25.0732	57
County Court at Law No. 3 of El Paso County .....	26.171, 25.0732	
County Court at Law No. 4 of El Paso County .....	26.171, 25.0732	
County Court at Law No. 5 of El Paso County .....	26.171, 25.0732	
County Court at Law No. 1 of Tarrant County .....	26.320, 25.2222	
County Court at Law No. 1 of Travis County .....	26.327, 25.2292	
County Court at Law No. 2 of Travis County .....	26.327, 25.2292	
County Court at Law No. 3 of Travis County .....	26.327, 25.2292	
County Court at Law No. 5 of Travis County .....	26.327, 25.2292	
County Court at Law No. 6 of Travis County .....	26.327, 25.2292	
County Court at Law No. 7 of Travis County .....	26.327, 25.2292	

Two county courts at law had transferred to them all civil and criminal jurisdiction of the county court, except probate, and the county courts at law were instructed to give preference to criminal matters and appeals *de novo* from municipal and justice courts:

County Court at Law No. 4 of Bexar County .....	25.0172, 26.115	58
County Court at Law No. 6 of Bexar County .....	25.0172, 26.115	

All civil jurisdiction of the county court, except probate, was transferred to six statutory county courts:

County Civil Court at Law No. 1 of Harris County .....	25.1032, 26.201	
County Civil Court at Law No. 2 of Harris County .....	25.1032, 26.201	
County Civil Court at Law No. 3 of Harris County .....	25.1032, 26.201	

## SUBJECT-MATTER JURISDICTION OF THE COURTS

*Citations following are to the Texas Government Code. Index to subject-matter reference numbers is found on page 35.*

County .....	25.1032, 26.201	59
County Civil Court at Law No. 4 of Harris		
County .....	25.1032, 26.201	
County Court at Law No. 2 of Tarrant		
County .....	25.2222, 26.201	59
County Court at Law No. 3 of Tarrant		
County .....	25.2222, 26.201	

In 60 instances, the constitutional county court and the county court at law have concurrent jurisdiction in all matters over which the constitutional county court normally has jurisdiction:

County Court at Law of Anderson County .....	25.0032	
County Court at Law No. 1 of Angelina County .....	25.0052	
County Court at Law No. 2 of Angelina County .....	25.0052	
County Court at Law of Austin County .....	25.0102	
County Court at Law No. 1 of Bell County .....	25.0162	
County Court at Law No. 2 of Bell County .....	25.0162	
* County Court at Law No. 3 of Bell County .....	25.0162	
<i>Effective 01/01/99 or on such earlier date as may be determined by the County Commissioners.</i>		
County Court at Law of Caldwell County .....	25.0302	
County Court at Law of Calhoun County .....	25.0312	
County Court at Law of Cherokee County .....	25.0392	
County Court at Law of Coryell County .....	25.0522	
County Court at Law of Ector County .....	25.0702	
County Court at Law No. 2 of Ector County .....	25.0702	
County Court at Law of Ellis County .....	25.0722	
County Court at Law No. 1 of Fort Bend County .....	25.0812	
County Court at Law No. 2 of Fort Bend County .....	25.0812	
County Court at Law of Gregg County .....	25.0942	
County Court at Law of Guadalupe County .....	25.0962	
County Court at Law of Harrison County .....	25.1042	
County Court at Law No. 1 of Hays County .....	25.1072	
County Court at Law No. 2 of Hays County .....	25.1072	
County Court at Law of Henderson County .....	25.1092	60
County Court at Law of Hopkins County .....	25.1142	
County Court at Law of Houston County .....	25.1152	
County Court at Law of Hunt County .....	25.1182	
County Court at Law No. 1 of Johnson County .....	25.1282	
County Court at Law No. 2 of Johnson County .....	25.1282	
County Court at Law of Kerr County .....	25.1352	
County Court at Law of Kleberg County .....	25.1392	
County Court at Law of Liberty County .....	25.1482	
County Court at Law of McLennan County .....	25.1572	
County Court at Law No. 2 of McLennan County .....	25.1572	
County Court at Law of Medina County .....	25.1652	
County Court at Law of Midland County .....	25.1672	
County Court at Law No. 2 of Midland County .....	25.1672	
County Court at Law No. 1 of Montgomery County .....	25.1722	
County Court at Law No. 2 of Montgomery County .....	25.1722	
County Court at Law No. 3 of Montgomery County .....	25.1722	
County Court at Law of Moore County .....	25.1732	
County Court at Law of Nolan County .....	25.1792	
County Court at Law of Orange County .....	25.1832	
County Court at Law of Panola County .....	25.1852	
County Court at Law of Parker County .....	25.1862	
County Court at Law of Polk County .....	25.1892	
County Court at Law of Potter County .....	25.1902	
County Court at Law No. 2 of Potter County .....	25.1902	
County Court at Law of Randall County .....	25.1932	
County Court at Law of Rusk County .....	25.2032	
County Court at Law of San Patricio County .....	25.2072	
County Court at Law of Smith County .....	25.2142	
County Court at Law No. 2 of Smith County .....	25.2142	
County Court at Law of Starr County .....	25.2162	
County Court at Law of Tom Green County .....	25.2282	
County Court at Law No. 2 of Tom Green County .....	25.2282	
County Court at Law of Val Verde County .....	25.2352	
County Court at Law of Victoria County .....	25.2372	
County Court at Law No. 2 of Victoria County .....	25.2372	
County Court at Law No. 1 of Williamson County .....	25.2482	
County Court at Law No. 2 of Williamson County .....	25.2482	
County Court at Law of Wise County .....	25.2512	

In one county, concurrent jurisdiction may be exercised by the county court and the county court at law in all matters except civil cases, over which the county court at law has exclusive jurisdiction. The county court at law may exercise probate and mental health jurisdiction only when the county judge is absent or unable to handle proceedings in those matters:

County Court at Law No. 1 of Wichita	
County .....	25.2452, 26.343
	61

One county court at law may exercise concurrent jurisdiction with the county court in all matters except civil cases, over which the county court at law has exclusive jurisdiction:

County Court at Law No. 2 of Wichita	
County .....	25.2452, 26.343
	62

Three statutory probate courts exercise concurrent jurisdiction with the county court in all matters, but give preference to cases in which the court's jurisdiction is concurrent with the county court:

County Court at Law No. 1 and	
Probate Court of Brazoria County .....	25.0222
County Court at Law No. 2 and	
Probate Court of Brazoria County .....	25.0222
	63
County Court at Law No. 3 and	
Probate Court of Brazoria County .....	25.0222

In four counties, eight statutory probate courts have concurrent jurisdiction with the county court in probate matters only:

Probate Court No. 1 of Bexar County .....	25.0173	
Probate Court of Dallas County .....	25.0595	
Probate Court No. 2 of Dallas County .....	25.0595	
Probate Court No. 1 of Harris County .....	25.1034	64
Probate Court No. 2 of Harris County .....	25.1034	
Probate Court No. 4 of Harris County .....	25.1034	
Probate Court No. 1 of Tarrant County .....	25.2224	
Probate Court No. 2 of Tarrant County .....	25.2224	

Two statutory probate courts exercise concurrent jurisdiction with the county court in all matters, but give preference to probate matters:

Probate Court No. 2 of Bexar County .....	25.0173	65
Probate and County Court of Galveston County .....	25.0862	

One statutory probate court exercises concurrent jurisdiction with the county court in probate matters and in matters arising under Subtitle D, Title 7, Health and Safety Code:

Probate Court No. 1 of Travis County .....	25.2293	66
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Three statutory probate courts have concurrent jurisdiction with the county court in probate matters and are to have primary responsibility for mental illness proceedings:

County Court at Law No. 1 and Probate	
Court of Bexar County .....	25.0173
Probate Court No. 3 of Dallas County .....	25.0595
	67
Probate Court No. 3 of Harris County .....	25.1034

Some statutory county courts have been created to handle criminal cases only. Thirty-seven have concurrent jurisdiction with the constitutional county court in criminal cases:

County Criminal Court of Dallas County .....	25.0593	
County Criminal Court No. 2 of Dallas County .....	25.0593	
County Criminal Court No. 3 of Dallas County .....	25.0593	
County Criminal Court No. 4 of Dallas County .....	25.0593	
County Criminal Court No. 5 of Dallas County .....	25.0593	
County Criminal Court No. 6 of Dallas County .....	25.0593	68
County Criminal Court No. 7 of Dallas County .....	25.0593	
County Criminal Court No. 8 of Dallas County .....	25.0593	

## SUBJECT-MATTER JURISDICTION OF THE COURTS

Citations following are to the Texas Government Code. Index to subject-matter reference numbers is found on page 35.

County Criminal Court No. 9 of Dallas County	25.0593
County Criminal Court No. 10 of Dallas County	25.0593
County Criminal Court No. 1 of Denton County	25.0634
County Criminal Court No. 2 of Denton County	25.0634
County Criminal Court at Law No. 1 of Harris County	25.1033
County Criminal Court at Law No. 2 of Harris County	25.1033
County Criminal Court at Law No. 3 of Harris County	25.1033
County Criminal Court at Law No. 4 of Harris County	25.1033
County Criminal Court at Law No. 5 of Harris County	25.1033
County Criminal Court at Law No. 6 of Harris County	25.1033
County Criminal Court at Law No. 7 of Harris County	25.1033
County Criminal Court at Law No. 8 of Harris County	25.1033
County Criminal Court at Law No. 9 of Harris County	68 25.1033
County Criminal Court at Law No. 10 of Harris County	25.1033
County Criminal Court at Law No. 11 of Harris County	25.1033
County Criminal Court at Law No. 12 of Harris County	25.1033
County Criminal Court at Law No. 13 of Harris County	25.1033
County Criminal Court at Law No. 14 of Harris County	25.1033
County Criminal Court at Law No. 15 of Harris County	25.1033
County Criminal Court No. 1 of Tarrant County	25.2223
County Criminal Court No. 2 of Tarrant County	25.2223
County Criminal Court No. 3 of Tarrant County	25.2223
County Criminal Court No. 4 of Tarrant County	25.2223
County Criminal Court No. 5 of Tarrant County	25.2223
County Criminal Court No. 6 of Tarrant County	25.2223
County Criminal Court No. 7 of Tarrant County	25.2223
County Criminal Court No. 8 of Tarrant County	25.2223
County Criminal Court No. 9 of Tarrant County	25.2223
County Criminal Court No. 10 of Tarrant County	25.2223

One statutory criminal law magistrate court has been created that handles criminal cases prescribed by law for county courts, except the magistrate court does not have jurisdiction to hear a trial of a misdemeanor offense on the merits, other than a class C misdemeanor, if a jury trial is demanded or if a defendant pleads not guilty:

El Paso Criminal Law Magistrate Court	54.733	69
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Two statutory county courts have concurrent jurisdiction with the constitutional county court in criminal matters, and have sole jurisdiction of criminal appeals from justice of the peace and municipal courts:

County Criminal Court of Appeals of Dallas County	25.0594	
County Criminal Court of Appeals No. 2 of Dallas County	25.0594	70

One statutory county court has concurrent jurisdiction in the county of criminal appeals from justice of the peace and municipal courts:

County Criminal Court of Appeals of Tarrant County	25.2222	71
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### JUSTICE OF THE PEACE COURTS

The position of justice of the peace was established by the Constitution of the Republic which provided for a "convenient number of Justices of the Peace" to be elected by the qualified voters of each county, for terms of two years. This office has been retained in all subsequent constitutions, although the jurisdiction of these courts has been severely restricted in later constitutions.

The justice of the peace is important in the capacity as a committing magistrate, with the authority to issue warrants for the apprehension and arrest of persons charged with the commission of public offenses, both felonies and misdemeanors. As a magistrate, the justice of the peace may hold preliminary hearings, reduce testimony to writing, discharge the accused, or remand the accused to jail and set bail. In addition, the justice of the peace serves as the coroner in those counties where there is no provision for a medical examiner, serves as an *ex officio* notary public, and may perform marriage ceremonies.

As amended in November 1983, the Texas Constitution provides that each county is to be divided into at least one, and not more than eight, justice precincts, in each of which is to be elected one or two justices of the peace. Approximately 842 justice of the peace courts are in operation today.

Justices of the peace are elected by the voters of the respective precincts of the county in partisan elections for four-year terms of office. There are no constitutional or statutory qualifications to hold this office and only about five percent of the justices of the peace in the State are lawyers.

Justice of the peace courts have original jurisdiction in misdemeanor criminal cases where punishment upon conviction may be by fine only. These courts generally have exclusive jurisdiction of civil matters when the amount in controversy does not exceed \$200, and concurrent jurisdiction with the county courts when the amount in controversy is from \$200.01 to \$5,000. By statute, they are given jurisdiction over forcible entry and detainer cases. The justice of the peace courts also function as small claims courts. Trials in justice of the peace courts are not of record. Appeals from these courts are upon trial *de novo* in the county court, the county court at law, or the district court.

In 36 counties, the county court, by special statute, has been given concurrent jurisdiction with the justice of the peace courts in that county in all civil matters over which the justice of the peace courts have jurisdiction:

Armstrong County	26.106
Atascosa County	26.107
Bailey County	26.109
Bee County	26.113
Burleson County	26.126
Cochran County	26.140
Collingsworth County	26.144
Colorado County	26.145
Crosby County	26.154
Dawson County	26.158
Deaf Smith County	26.159
Dickens County	26.163
Fisher County	26.176
Gaines County	26.183
Garza County	26.185
Goliad County	26.188
Gonzales County	26.189
Haskell County	26.204
Hemphill County	26.206
Hockley County	26.210
Karnes County	26.228
Kent County	26.232
Lamb County	26.240
Lee County	26.244
Lynn County	26.253
McMullen County	26.256
Mitchell County	26.268

## SUBJECT-MATTER JURISDICTION OF THE COURTS

*Citations following are to the Texas Government Code. Index to subject-matter reference numbers is found on page 35.*

Parmer County .....	26.285
Randall County .....	26.291
Reagan County .....	26.292
Scurry County .....	26.308
Starr County .....	26.314
Stonewall County .....	26.317
Terry County .....	26.323
Wheeler County .....	26.342
Yoakum County .....	26.351

The county court in eight counties has been given concurrent jurisdiction with the justice of the peace courts in both civil and criminal matters normally in the justice of the peace courts:

Blanco County .....	26.116
Edwards County .....	26.169
Gillespie County .....	26.186
Irion County .....	26.218
Kimble County .....	26.234
Menard County .....	26.264
Schleicher County .....	26.307
Sterling County .....	26.316

In one county, the county courts at law have been given concurrent jurisdiction with the justice of the peace courts in civil matters prescribed by law for justice of the peace courts:

County Court at Law No. 1 of Potter County .....	25.1902
County Court at Law No. 2 of Potter County .....	25.1902

In eight counties, the county courts at law have been given concurrent jurisdiction with the justice of the peace courts in criminal matters prescribed by law for justice of the peace courts:

* County Court at Law of Bee County .....	25.0152
<i>Effective 01/01/98 or on such earlier date as may be determined by the County Commissioners.</i>	
County Court at Law of Hopkins County .....	25.1142
* County Court at Law of Matagorda County .....	25.1632
<i>Effective 01/01/98 or on such earlier date as may be determined by the County Commissioners.</i>	
County Court at Law No. 1 of Montgomery County ...	25.1722
County Court at Law of Nolan County .....	25.1792
County Court at Law of Panola County .....	25.1852
* County Court at Law of Wilbarger County .....	25.2462
<i>Court authorized effective 01/01/94; not implemented by the County Commissioners as of 08/31/95.</i>	
County Court at Law No. 1 of Williamson County ...	25.2482
County Court at Law No. 2 of Williamson County ...	25.2482

Nine county courts at law have been given concurrent jurisdiction with the justice of the peace courts in both civil and criminal cases over which the justice of the peace courts normally have jurisdiction:

County Court at Law of Grayson County .....	25.0932
County Court at Law No. 2 of Grayson County .....	25.0932
County Court at Law No. 1 of Lubbock County .....	25.1542
County Court at Law No. 2 of Lubbock County .....	25.1542
County Court at Law No. 3 of Lubbock County .....	25.1542
County Court at Law No. 1 of Nueces County .....	25.1802
County Court at Law No. 2 of Nueces County .....	25.1802
County Court at Law No. 3 of Nueces County .....	25.1802
County Court at Law No. 4 of Nueces County .....	25.1802

Trials in the municipal courts, generally, are not of record, and appeals go to the county court, the county court at law, or the district court upon trial *de novo*.

Under the authority of special and general legislation, several municipal courts operate as "courts of record."

### MUNICIPAL COURTS

Under its constitutional authority to create "...such other courts as may be provided by law," the Texas Legislature has created municipal courts in each incorporated city of the State.

Presently, municipal courts are operating in approximately 840 cities. Metropolitan cities usually have more than one municipal court. These courts have no appellate jurisdiction, but do have original and exclusive jurisdiction over violations of city ordinances. Such ordinances are generally punishable by fines up to \$500, but fines of up to \$2,000 may be provided for violation of ordinances relating to fire safety, zoning, public health, and sanitation. The municipal courts also have concurrent jurisdiction with justice courts in misdemeanor cases resulting from violations of state laws occurring within the city limits, when punishment upon conviction may be by fine only, not to exceed \$500. Municipal Courts also have limited civil jurisdiction in being able to assess civil penalties for owners of dangerous dogs. Furthermore, certain municipalities with a population in excess of 125,000 may declare the violation of city ordinances relating to parking and stopping vehicles to be civil offenses and prescribe civil fines, and establish an administrative adjudication hearing procedure for these offenses.

Municipal judges also serve as magistrates of the State. In this capacity, the municipal judge has authority to issue warrants for the apprehension and arrest of persons charged with the commission of public offenses, both felonies and misdemeanors. As a magistrate, the municipal judge may issue search and arrest warrants, hold preliminary hearings, reduce testimony to writing, discharge an accused, or remand the accused to jail and set bail.

In the courts of record, a formal record and transcript are made of the proceedings in the trial and appeals of these cases are made on the record perfected in the municipal courts. Such appeals are generally heard in the county court or county court at law, but the Legislature has authorized the City of El Paso to create a municipal court of appeals to hear appeals from that city's municipal courts. The statutes creating these municipal courts of

## **SUBJECT-MATTER JURISDICTION OF THE COURTS**

*Citations following are to the Texas Government Code. Index to subject-matter reference numbers is found on page 35.*

record uniformly require the judge to be licensed to practice law in this State. No such provision is required of the other municipal judges, and of the approximately 1,206 municipal judges in this State, about 35 percent presently are licensed as attorneys.

Selection and terms of office of municipal court judges vary from city to city. While in a few cities, municipal judges are elected at city elections, the vast number are appointed by the governing body of the city. Terms of office are usually two years.

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